

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY A. PATE,

Plaintiff,

No. CIV S-04-1201 FCD DAD P

VS.

SACRAMENTO COUNTY  
SHERIFFS DEPUTIES,

## Defendants.

## ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On September 11, 2006, the court ordered plaintiff to file his proof of service of process upon defendant Garcia, the sole defendant in this action, since plaintiff had not paid the filing fee and was not proceeding in forma pauperis. On September 20, 2006, plaintiff filed a motion for leave to proceed in forma pauperis and on October 10, 2006, the court granted plaintiff's motion and ordered the Clerk to issue a certified copy of his inmate trust account statement. The court will grant plaintiff's motion for leave to proceed in forma pauperis and order plaintiff to submit the documents for service of process to the U.S. Marshal.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's September 20, 2006 application for leave to proceed in forma  
3 pauperis is granted;

4 2. The Clerk of the Court shall send plaintiff one USM-285 form, one summons,  
5 an instruction sheet and a copy of the second amended complaint filed November 17, 2004.

6 3. Within thirty days from the date of this order, plaintiff shall complete the  
7 attached Notice of Submission of Documents and submit the following documents to the court:  
8 a. The completed Notice of Submission of Documents;  
9 b. One completed summons;  
10 c. One completed USM-285 form for defendant deputy Garcia; and  
11 d. Two copies of the endorsed second amended complaint filed November  
12 17, 2004.

13 4. Plaintiff need not attempt service on defendant and need not request waiver of  
14 service. Upon receipt of the above-described documents, the court will direct the United States  
15 Marshal to serve defendant Garcia pursuant to Federal Rule of Civil Procedure 4 without  
16 payment of costs.

17 DATED: October 19, 2006.

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20 DALE A. DROZD  
21 UNITED STATES MAGISTRATE JUDGE  
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NOTICE OF SUBMISSION

OF DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the court's  
order filed \_\_\_\_\_:

\_\_\_\_\_ completed summons form

\_\_\_\_\_ completed USM-285 forms

\_\_\_\_\_ copies of the \_\_\_\_\_  
Complaint/Amended Complaint

DATED:

Plaintiff